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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,141	11/05/2003	Eric J. Streciwilk	380-146	7815

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KING & SCHICKLI, PLLC  
247 NORTH BROADWAY  
LEXINGTON, KY 40507

EXAMINER

PHAM, MINH CHAU THI

ART UNIT PAPER NUMBER

1724

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/702,141	STRECIWILK, ERIC J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh-Chau T. Pham	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/13/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Objections***

Claim 8-10 are objected to because of the following informalities: Claim 8 depends on itself instead of any previous claim. Should it depend on claim – 7 --? Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Scalfani et al (6,146,434).

Scalfani et al teach a vacuum cleaner (10) comprising a housing (32), a nozzle inlet (12), a suction generator (34) carried on the housing, a dirt cup (50) carried on the housing, and a dirt cup having a dirt collection chamber with an inlet (80) and an outlet (82), a filter assembly (52) including a filter housing mating with the open end of the dirt cup (50), and a filter element (104) held in the filter chamber (col. 2, lines 51-63).

Scalfani et al further teach the filter housing including a base (90) with an inlet opening in fluid communication with the open end of the dirt cup (50) (see details of Fig. 2), the filter (104) having a concavity open towards the inlet opening (90) of the base (see 104 in Fig. 2, col. 3, lines 55-64, col. 5, lines 5-12), and the filter element is frustoconical in shape (see 104 in Fig. 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scalfani et al (6,146,434), in view of Song (6,010,550).

Scalfani et al disclose a vacuum cleaner (10) comprising a housing (32), a nozzle inlet (12), a suction generator (34) carried on the housing, a dirt cup (50) carried on the housing, and a dirt cup having a dirt collection chamber with an inlet (80) and an outlet (82), a filter assembly (52) including a filter housing mating with the open end of the dirt cup (50), and a filter element (104) held in the filter chamber (col. 2, lines 51-63).

Scalfani et al further disclose the filter housing including a base (90) with an inlet opening in fluid communication with the open end of the dirt cup (50) (see details of Fig. 2), the filter (104) having a concavity open towards the inlet opening (90) of the base (see 104 in Fig. 2, col. 3, lines 55-64, col. 5, lines 5-12), and the filter element is frustoconical in shape (see 104 in Fig. 2). Claims 5-10 differ from the disclosure of Scalfani et al in that the filter assembly including a ribbed filter support. Scalfani et al further disclose that "the filter assembly (52) may include mesh screen, filter cartridge or other suitable filter rather than filter bag (104), or may be free of an additional filtering element without affecting the concept of the invention" (see col. 3, lines 60-64). Clearly, Scalfani et al teach that the filter element (104) may include mesh screen as a filter support. Song discloses a filter assembly (5) including a conical ribbed filter support (8)

for supporting conical filters (10, 11 and 12) (see Fig. 3, col. 3, lines 6-21). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a ribbed filter support as taught by Song to support the filter (104) in the vacuum cleaner of Scalfani et al since it is well known in the art that filter support would help support flimsy filter element from being crushed due to the suction force of the vacuum cleaner in operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', with a stylized, cursive script.

**Minh-Chau Pham**

**Patent Examiner**

**Art Unit: 1724**

**August 1, 2006**